

HOUSE BILL No. 1671

DIGEST OF HB 1671 (Updated February 26, 2003 1:49 PM - DI 69)

Citations Affected: IC 13-11; IC 13-14; IC 13-15; IC 13-18; IC 13-20; IC 13-22; IC 13-23.

Synopsis: Environmental fees and rulemaking. Increases certain fees collected by the department of environmental management. Provides that certain fee increases do not apply to state and local units of government. Prohibits the air pollution control board, water pollution control board, and solid waste management board from adopting rules and standards that are more stringent than corresponding federal provisions established under federal law unless authorized to do so by the general assembly. Prohibits an applicant from receiving a refund of a permit application fee if the permit application concerned the renewal of a permit.

Effective: July 1, 2003; January 1, 2004; January 1, 2005.

Bottorff, Heim, Stutzman, Cherry, Wolkins

January 21, 2003, read first time and referred to Committee on Environmental Affairs. February 27, 2003, amended, reported — Do Pass.



First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1671

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-11-2-1.5, AS AMENDED BY P.L.1-2001, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 1.5. "Acute hazardous waste", for purposes of **section 117.5 of this chapter and** IC 13-22-4-3.1, has the meaning set forth in 40 CFR Part 261.

SECTION 2. IC 13-11-2-89 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 89. (a) "Generator", for purposes of IC 13-22-12, means a person that, during the preceding year, generated hazardous waste in quantities greater than:

- (1) one thousand (1,000) kilograms of hazardous waste; or
- (2) one (1) kilogram of acutely toxic waste in any month.

(b) "Generator", for purposes of IC 13-29-1, means a person who produces or possesses low-level radioactive waste in the course of or incident to manufacturing, power generation, processing, medical diagnosis and treatment, research, or other industrial or commercial activity and who, to the extent required by law, is licensed by the

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1	United States Nuclear Regulatory Commission or a party state to		
2	produce or possess such waste. The term does not include a person who		
3	provides a service by arranging for the collection, transportation,		
4	treatment, storage, or disposal of wastes generated outside the region.		
5	SECTION 3. IC 13-11-2-117.5 IS ADDED TO THE INDIANA		
6	CODE AS A NEW SECTION TO READ AS FOLLOWS		
7	[EFFECTIVE JANUARY 1, 2004]: Sec. 117.5. "Large quantity		
8	generator", for purposes of IC 13-22-4-3.1 and IC 13-22-12-3,		
9	means a person, by site, that:		
10	(1) generates:		
11	(A) one thousand (1,000) kilograms or more of hazardous		
12	waste;		
13	(B) more than one (1) kilogram of acute hazardous waste;		
14	or		
15	(C) more than one hundred (100) kilograms of spill		
16	cleanup material contaminated with acute hazardous		
17	waste;		
18	in any one (1) or more calendar months of a calendar year; or		
19	(2) accumulates:		
20	(A) more than one (1) kilogram of acute hazardous waste;		
21	or		
22	(B) more than one hundred (100) kilograms of spill cleanup		
23	material contaminated with acute hazardous waste;		
24	at any time during the year.		
25	SECTION 4. IC 13-11-2-204.5 IS ADDED TO THE INDIANA		
26	CODE AS A NEW SECTION TO READ AS FOLLOWS		
27	[EFFECTIVE JANUARY 1, 2004]: Sec. 204.5. "Small quantity		
28	generator", for purposes of IC 13-22-4-3.1 and IC 13-22-12-3,		
29	means a person, by site, that:		
30	(1) generates more than one hundred (100) kilograms but less		
31	than one thousand (1,000) kilograms of hazardous waste in		
32	any one (1) or more calendar months of a calendar year; or		
33	(2) accumulates more than one thousand (1,000) kilograms of		
34	hazardous waste at any time during the year.		
35	SECTION 5. IC 13-14-8-3 IS AMENDED TO READ AS		
36	FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) A rule or		
37	standard adopted by a board may:		
38	(1) make different provisions as required by varying		
39	circumstances and conditions for different contaminant sources		
40	and for different geographical areas;		
41	(2) be made applicable to sources outside Indiana that:		
42	(A) are causing;		



1	(B) are contributing to; or
2	(C) could cause or contribute to;
3	environmental pollution in Indiana; and
4	(3) make provision for abatement standards and procedures:
5	(A) concerning occurrences, emergencies, or pollution; or
6	(B) on other short term conditions constituting an acute danger
7	to health or to the environment.
8	(b) Subject to subsections (c) and (d), a rule or standard adopted
9	by a board may not be more stringent than a corresponding federal
10	provision established under federal law.
11	(c) A rule or standard adopted by a board may be more
12	stringent than a corresponding federal provision established under
13	federal law if:
14	(1) a designee of the board presents evidence to the
15	environmental quality service council that indicates why the
16	rule or standard should be more stringent than the
17	corresponding federal provision;
18	(2) the environmental quality service council makes a
19	recommendation to the general assembly that the rule or
20	standard should be more stringent than the corresponding
21	federal provision; and
22	(3) the general assembly enacts a statute that authorizes the
23	board to adopt a rule or standard that is more stringent than
24	the corresponding federal provision established under federal
25	law.
26	(d) If the environmental quality service council reviews a rule
27	or standard adopted by a board that is more stringent than a
28	corresponding federal provision established under federal law and
29	the environmental quality service council believes the rule or
30	standard should not be more stringent, the environmental quality
31	service council shall make a recommendation to the general
32	assembly that the general assembly should enact a statute to:
33	(1) void the rule or standard; and
34	(2) require the board to adopt a rule or standard that is not
35	more stringent than the corresponding federal provision
36	established under federal law.
37	SECTION 6. IC 13-15-4-11, AS AMENDED BY P.L.184-2002,
38	SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39	JULY 1, 2003]: Sec. 11. (a) If an applicant is operating pursuant to a
40	continuation of an existing permit pending determination of an
41	application for a new or renewed permit under IC 13-15-3-6, the

applicant may proceed under this section after notifying the



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1	commissioner in writing of its intent to do so.
2	(b) If the commissioner does not issue or deny a permit within the
3	time specified under sections 1 through 6 of this chapter, the applicant
4	may proceed under this section. Except as provided in section 12.1 of
5	this chapter, after reaching an agreement with the commissioner or
6	after consulting with the commissioner for thirty (30) days and failing
7	to reach an agreement, the applicant may choose to proceed under one
8	(1) of the following alternatives:
9	(1) The:
.0	(A) applicant may request and receive a refund of a permit
.1	application fee paid by the applicant; and
2	(B) commissioner shall do the following:
.3	(i) Continue to review the application.
4	(ii) Approve or deny the application as soon as practicable.
.5	(iii) Refund the applicant's application fee not later than
.6	twenty-five (25) working days after the receipt of the
.7	applicant's request.
.8	(2) The:
9	(A) applicant may:
20	(i) request and receive a refund of a permit application fee
21	paid by the applicant; and
22	(ii) submit to the department a draft permit and any required
23 24 25	supporting technical justification for the permit; and
24	(B) commissioner shall do the following:
25	(i) Review the draft permit.
26	(ii) Approve, with or without revision, or deny the draft
27	permit in accordance with section 16 of this chapter.
28	(iii) Refund the applicant's application fee not later than
29	twenty-five (25) working days after the receipt of the
30	applicant's request.
31	(3) The:
32	(A) applicant may hire an outside consultant to prepare a draft
33	permit and any required supporting technical justification for
34	the permit; and
35	(B) commissioner shall:
86	(i) review the draft permit; and
37	(ii) approve, with or without revision, or deny the draft
88	permit in accordance with section 16 of this chapter.
39	SECTION 7. IC 13-15-4-12.1 IS ADDED TO THE INDIANA
10	CODE AS A NEW SECTION TO READ AS FOLLOWS
1	[EFFECTIVE JULY 1, 2003]: Sec. 12.1. An applicant may not
12	receive a refund of a permit application fee if the permit



1	application concerned the re	enewal of a permit.		
2	SECTION 8. IC 13-15-11-1 IS AMENDED TO READ AS			
3	FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 1. The			
4	environmental management pe	environmental management permit operation fund is established for the		
5	purpose of providing money	for permitting and directly associated		
6	activities of the following pro	ograms of the department:		
7	(1) National Pollutant D	vischarge Elimination System program		
8	including storm water	permits.		
9	(2) Solid waste and prog	gram.		
10	(3) Hazardous waste pro	grams of the department and the boards.		
11	program.			
12	(4) Safe drinking water	program.		
13	SECTION 9. IC 13-18-2	20-2 IS AMENDED TO READ AS		
14	FOLLOWS [EFFECTIVE JA	NUARY 1, 2005]: Sec. 2. For industrial		
15	permits, other than coal min	e permits or stone quarry permits, the		
16	annual base fee per facility is:			
17	(1) one thousand one h u	undred dollars (\$1,000) (\$1,100) for a		
18	major permit; and			
19		(2) four hundred forty dollars (\$400) (\$440) for a minor permit;		
20	plus the following annual disc	charge flow fee per facility:		
21	Daily Average Actual			
22	Flow in MGD	Fee		
23	.00105	\$240 \$264		
24	.0511	\$360 \$396		
25	.1012	\$840 \$924		
26	.2013	\$1,200 \$1,320		
27	.3015	\$1,680 \$1,848		
28	.501 - 1.0	\$2,060 \$2,266		
29	1.001 - 2.0	\$3,600 \$3,960		
30	2.001 - 5.0	\$5,400 \$5,940		
31	5.001 - 10.0	\$8,400 \$9,240		
32	10.001 - 15.0	\$12,000 \$13,200		
33	15.001 - 30.0	\$16,800 \$18,480		
34	30.001 - 50.0	\$22,800 \$25,080		
35	50.001 - 100.0	\$28,800 \$31,680		
36	> 100.0	\$34,800 \$38,280		
37	Annual flow fees are reduced	Annual flow fees are reduced by twenty percent (20%) for discharges		
38	that are comprised of greater that	han ninety percent (90%) of non-contact		
39	cooling water.			
40	SECTION 10. IC 13-18-	20-3 IS AMENDED TO READ AS		
41	FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 3. Each facility			
42	for which a coal mine operator files a notice of intent under the general			



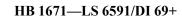


1		ed under IC 13-18-18 shall pay an annual		
2	fee of five hundred fifty dollars (\$500) (\$550) instead of the following			
3	•	individual permit fees. The annual fee must accompany the initial		
4		notice of intent and is due each year on the anniversary date of the date		
5	when the initial notice of into	ent was filed.		
6	Outfalls	Fee		
7	1 Outfall	\$500 \$550		
8	2-3 Outfalls	\$750 \$825		
9	4-6 Outfalls	\$1,000 \$1,100		
10	7-10 Outfalls	\$1,500 \$1,650		
11	11-20 Outfalls	\$2,500 \$2,750		
12	21-99 Outfalls	\$3,500 \$3,850		
13	SECTION 11. IC 13-18	3-20-4 IS AMENDED TO READ AS		
14	FOLLOWS [EFFECTIVE J	ANUARY 1, 2005]: Sec. 4. For stone		
15	quarry permits, the annual fe	e is as follows:		
16	Outfalls	Fee		
17	1 Outfall	\$750 \$825		
18	2 Outfalls	\$1,500 \$1,650		
19	3 Outfalls	\$2,000 \$2,200		
20	4 Outfalls	\$2,500 \$2,750		
21	SECTION 12. IC 13-18-20-8 IS AMENDED TO READ AS			
22	FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 8. For semipublic			
23	permits, the annual base fee per facility is:			
24	-	(1) seven eight hundred fifty twenty-five dollars (\$750) (\$825) for		
25	a major permit; and			
26		dollars (\$200) (\$220) for a minor permit;		
27	plus the following annual dis	. , , , , , , , , , , , , , , , , , , ,		
28	Daily Average Design	Y S S S S S S S S S S S S S S S S S S S		
29	Flow in MGD	Fee		
30	.00105	\$150 \$165		
31	.0511	\$300 \$330		
32	.1012	\$1,000 \$1,100		
33	.2013	\$2,000 \$2,200		
34	.3015	\$2,500 \$2,200 \$2,500 \$2,750		
35	.501 - 1.0	\$3,000 \$3,300		
36	1.001 - 2.0	\$3,500 \$3,850		
37	2.001 - 5.0	\$4,000 \$4,400		
38	5.001 - 3.0	\$5,000 \$4,400 \$5,000		
39	10.001 - 15.0	\$5,000 \$3,300 \$6,500 \$7,150		
40	15.001 - 30.0	\$7,500 \$8,250		
41	30.001 - 50.0	\$7,500 \$8,250 \$10,000 \$11,000		
42	50.001 - 100.0	\$11,000 \$12,100		





1	SECTION 13 IC 13-18-20-9	AS AMENDED BY PT. 184-2002
2	SECTION 13. IC 13-18-20-9, AS AMENDED BY P.L.184-2002 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
3	JANUARY 1, 2005]: Sec. 9. (a) Except as provided in subsection (b)	
4	for public water system permits, the annual base fee per facility is:	
5	-	dred dollars $(\$1,000)$ (\\$1,100) for a
6	major permit; and	ατου ασπαιο (φ1,σσσ) (φ1,1σσ) τοι α
7		ars (\$400) (\$440) for a minor permit;
8	· ·	harge flow fee per facility based on
9	-	MGD as set forth in a facility NPDES
.0	permit:	
1	Projected Daily Average	
2	Flow in MGD	Fee
3	.00105	\$240 \$264
4	.0511	\$360 \$396
5	.1012	\$840 \$928
6	.2013	\$1,200 \$1,320
7	.3015	\$1,680 \$1,848
8	.501 - 1.0	\$2,060 \$2,266
9	1.001 - 2.0	\$3,600 \$3,960
20	2.001 - 5.0	\$5,400 \$5,940
21	5.001 - 10.0	\$8,400 \$9,240
22	10.001 - 15.0	\$12,000 \$13,200
23	15.001 - 30.0	\$16,800 \$18,480
24	30.001 - 50.0	\$22,800 \$25,080
25	50.001 - 100.0	\$28,800 \$31,680
26	> 100.0	\$34,800 \$38,280
27		government required to pay a fee
28		nay only be charged a fee equal to
29		the amount of the fee described in
30	subsection (a).	
31	SECTION 14. IC 13-18-20-	-10 IS AMENDED TO READ AS
32	FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 10. (a) For storm	
33		activity, a fee of one hundred dollars
34	(\$100) shall be submitted with a notice of intent (NOI).	
35	(b) For storm water permits for industrial activity, the annual fee is	
86	one hundred dollars (\$100).	
37	(a) The following storm water permit fees shall be submitted with	
88	a notice of intent:	
39	General storm water pern	nits
10	for construction activity	\$200
1	General storm water perm	nits
12	for industrial activity	\$300





1	(b) For storm water permits, the annual fees are as follows:		
2	General storm water p	permits	
3	for construction activi	ty \$200	
4	General storm water p	permits	
5	for industrial activity	\$300	
6	SECTION 15. IC 13-18-2	20-10.5 IS ADDED TO THE INDIANA	
7		ECTION TO READ AS FOLLOWS	
8		, 2005]: Sec. 10.5. For NPDES general	
9		ed in this chapter, the annual fee is five	
.0	* *	lless a lower fee is established in rules	
1	adopted by the water pollu		
.2		0-21-3 IS AMENDED TO READ AS	
.3	-	ANUARY 1, 2005]: Sec. 3. (a) Except as	
.4		, for solid waste permits, the application	
.5	fees are as follows:	'. M. '. M. 1'.''	
.6	New Perm	it or Major Modification	
.7	Canitama I an 4611	Fee	
.8	Sanitary Landfill Construction\	\$31,300 \$34,430	
.9	Demolition Site	\$20,000 \$22,000	
20	Restricted Waste Site	\$20,000 \$22,000	
21 22		\$31,300 \$34,430	
23	Type I Type II	\$31,300 \$34,430 \$31,300 \$34,430	
.5 24	Type III	\$31,300 \$34,430 \$20,000 \$22,000	
25	Processing Facility	\$20,000 \$22,000	
26	Transfer Station	\$12,150 \$13,365	
27	Other	\$12,150 \$13,365	
28	Incinerator	\$28,650 \$31,515	
29	Waste Tire Storage	Ψ20,030 Ψ01,313	
30	Registration	\$ 500 \$550	
31	Waste Tire Processing	\$ 200 \$220	
32	Waste Tire	+ = + + = +	
33	Transportation	\$ 25 \$28	
34	•	ermit Renewal	
35	Sanitary Landfill	\$ 15,350 \$16,885	
86	Construction		
37	Demolition Site	\$ 7,150 \$7,865	
88	Restricted Waste Site		
39	Type I	\$ 15,350 \$16,885	
10	Type II	\$ 15,350 \$16,885	
1	Type III	\$ 7,150 \$7,865	
12	Processing Facility		





1	Transfer Station	\$ 2,200 \$2,420	
2	Other	\$ 2,200 \$2,420	
3	Incinerator	\$ 5,900 \$6,490	
4	Waste Tire Processing	\$ 200 \$220	
5	Mino	or Modification	
6	Minor Modification	\$ 2,500 \$2,750	
7	(b) A state or local unit	of government required to pay a fee	
8	described in subsection (a)	may only be charged a fee equal to	
9	ninety-one percent (91%) of	of the amount of the fee described in	
10	subsection (a).		
11	SECTION 17. IC 13-20	0-21-4 IS AMENDED TO READ AS	
12	FOLLOWS [EFFECTIVE JA	NUARY 1, 2005]: Sec. 4. (a) Except as	
13	provided in subsection (b), f	or solid waste, the annual operation fees	
14	are as follows:		
15		Fee	
16	Sanitary Landfill		
17	> 500 TPD	\$35,000 \$38,500	
18	250-499 TPD	\$15,000 \$16,500	
19	100-249 TPD	\$ 7,000 \$7,700	
20	<100 TPD	\$ 2,000 \$2,200	
21	Construction\		
22	Demolition Site	\$ 1,500 \$1,650	
23	Restricted Waste Site		
24	Type I	\$35,000 \$38,500	
25	Type II	\$25,000 \$27,500	
26	Type III	\$10,000 \$11,000	
27	Processing Facility		
28	Transfer Station	\$ 2,000 \$2,200	W
29	Other	\$ 2,000 \$2,200	
30	Incinerator		
31	>500 TPD	\$35,000 \$38,500	
32	250-499 TPD	\$15,000 \$16,500	
33	100-249 TPD	\$ 7,000 \$7,700	
34	<100 TPD	\$ 2,000 \$2,200	
35	Infectious Waste	,	
36	Incinerator (>7 TPD)	\$ 5,000 \$5,500	
37	Waste Tire Storage	,	
38	Registration	\$ 500 \$550	
39	Waste Tire Transportation		
40	Registration	\$ 25 \$28	
41	Groundwater Compliance		
42	Sampling (per well)	\$ 250 \$275	
	1 2 (1)		





1	(b) A state or local unit of government requi	red to pay a fee	
2	described in subsection (a) may only be charged a fee equal to		
3	ninety-one percent (91%) of the amount of the fee described in		
4	subsection (a).		
5	SECTION 18. IC 13-20-21-6, AS AMENDED B	SY P.L.218-2001,	
6	SECTION 9, IS AMENDED TO READ AS FOLLOW	WS [EFFECTIVE	
7	JANUARY 1, 2005]: Sec. 6. (a) For solid waste, the	disposal fees are	
8	as follows:		
9		Fee	
10	Solid waste disposed into a		
11	municipal solid waste landfill per ton	\$ 0.10 \$0.20	
12	Solid waste disposed into a		
13	nonmunicipal solid waste landfill per ton	\$ 0.10 \$0.20	
14	Solid waste disposed		
15	into an incinerator per ton	\$ 0.05 \$0.10	
16	Solid waste disposed into a		
17	construction\demolition waste site per ton	\$ 0.10 \$0.20	
18	(b) There is no solid waste disposal fee for solid waste	aste disposed into	
19	a solid waste landfill permitted to accept restric	ted waste solely	
20	generated by the person to which the permit is issue	d.	
21	SECTION 19. IC 13-22-2-4 IS AMENDED	TO READ AS	
22	FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The board shall		
23	adopt rules under IC 4-22-2 and IC 13-14-8 on the proper and safe		
24	transportation, treatment, storage, and disposal of hazardous wastes.		
25	Whenever possible, the rules adopted under this section must allow for		
26	variation in Indiana with regard to population density, climate, and		
27	geology.		
28	(b) Subject to subsections (c) and (d), rules ac	lopted under this	
29	section concerning incinerators used as hazardous wa	aste facilities may	
30	not establish requirements that are more str	ingent than the	
31	requirements for hazardous waste incinerators	established by	
32	regulations adopted by the Administrator of th	e United States	
33	Environmental Protection Agency under the following statutes:		
34	(1) The federal Resource Conservation and Recovery Act (42		
35	U.S.C. 6901 et seq.).		
36	(2) The federal Clean Air Act (42 U.S.C. 7401 et seq.), as		
37	amended by the federal Clean Air Act Amendments of 1990		
38	(P.L.101-549).		
39	(c) A rule adopted under this section concern	ing incinerators	
40	used as hazardous waste facilities may establish re	equirements that	

are more stringent than a corresponding federal provision

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established under federal law if:

1	(1) a designee of the board presents evidence to the
2	environmental quality service council that indicates why the
3	rule should be more stringent than the corresponding federal
4	provision;
5	(2) the environmental quality service council makes a
6	recommendation to the general assembly that the rule should
7	be more stringent than the corresponding federal provision;
8	and
9	(3) the general assembly enacts a statute that authorizes the
.0	board to adopt a rule that is more stringent than the
.1	corresponding federal provision established under federal
2	law.
.3	(d) If the environmental quality service council reviews a rule
.4	adopted under this section that is more stringent than a
. 5	corresponding federal provision established under federal law and
.6	the environmental quality service council believes the rule should
.7	not be more stringent, the environmental quality service council
. 8	shall make a recommendation to the general assembly that the
.9	general assembly should enact a statute to:
20	(1) void the rule; and
21	(2) require the board to adopt a rule that is not more stringent
22	than the corresponding federal provision established under
23	federal law.
24	SECTION 20. IC 13-22-4-3.1, AS AMENDED BY P.L.1-2001,
25	SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26	JANUARY 1, 2004]: Sec. 3.1. (a) As used in this section, "acute
27	hazardous waste" has the meaning set forth in IC 13-11-2-1.5.
28	(b) A person that:
29	(1) in any one (1) or more calendar months of a calendar year
30	generates:
31	(A) more than one hundred (100) kilograms but less than one
32	thousand (1,000) kilograms of hazardous waste;
33	(B) less than one (1) kilogram of acute hazardous waste; or
34	(C) less than one hundred (100) kilograms of material from the
35	cleanup spillage of acute hazardous waste; or
86	(2) accumulates at least one thousand (1,000) kilograms of
37	hazardous waste or less than one (1) kilogram of acute
88	hazardous waste;
39	small quantity generator shall, before March 1 of each year, submit
10	to the department on forms provided by the department a report,
11	containing no more than a compilation of information from the
12	Uniform Hazardous Waste Manifest form described in section 1(a) of



1	this chapter, that summarizes the perso	on's hazardous waste shipments	
2	during the previous calendar year.		
3	(c) A: person that:		
4	(1) in any one (1) large quantity generator; or more calendar		
5	months of a calendar year generates:		
6	(A) more than one thousand (1,000) kilograms of hazardous	
7	waste;		
8	(B) at least one (1) kilogram o	f acute hazardous waste; or	
9	(C) at least one hundred (100) kilograms of material from the		
.0	eleanup spillage of acute haza	rdous waste;	
.1	(2) accumulates at least six th	ousand (6,000) kilograms of	
2	hazardous waste or at least one (1) kilogram of acute hazardous	
3	waste; or		
4	(3) (2) person that is a treatment	, storage, or disposal facility;	
.5	shall, before March 1 of each year, sub-	mit to the department either the	
.6	biennial report required by the United S	tates Environmental Protection	
.7	Agency concerning the person's waste	activities during the previous	
.8	calendar year, or an annual report	on forms provided by the	
.9	department, containing no more than a c	ompilation of information from	
20	the Uniform Hazardous Waste Manifest form described in section 1(a)		
21	of this chapter, that summarizes the	he person's hazardous waste	
22	shipments during the previous calendar year.		
23	SECTION 21. IC 13-22-12-2 IS AMENDED TO READ AS		
24	FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 2. For hazardous		
25	waste, the application fees are as follows:		
26	New Permit App	plication	
27		Fee	
28	Land Disposal	\$40,600 \$44,660	
29	Incinerator (per unit)	\$21,700 \$23,870	
30	Storage	\$23,800 \$26,180	
31	Treatment	\$23,800 \$26,180	
32	Permit Renev		
33	Class 3 Modifi	ication	
34	Land Disposal	\$34,000 \$37,400	
35	Incinerator	\$21,700 \$23,870	
36	Storage	\$17,200 \$18,920	
37	Treatment	\$17,200 \$18,920	
88	Class 2 Modifi	ication	
39	Class 2 Modification	\$ 2,250 \$2,475	
10	SECTION 22. IC 13-22-12-3 IS	AMENDED TO READ AS	
1	FOLLOWS [EFFECTIVE JANUARY	1, 2005]: Sec. 3. For hazardous	
12	waste, the annual operation fees are as	follows:	





I		Fee
2	Land Disposal	\$37,500 \$41,250
3	Incinerator (per unit)	\$10,000 \$11,000
4	Storage	\$ 2,500 \$2,750
5	Treatment	\$10,000 \$11,000
6	Large Quantity Generator	\$ 1,565 \$1,722
7	Small Quantity Generator	\$300
8	Postclosure Activity	\$ 1,500 \$1,650
9	Groundwater Compliance	
0	Sampling at active	
.1	facilities (per well)	\$ 1,000 \$1,100
2	SECTION 23. IC 13-23-1-2 I	S AMENDED TO READ AS
.3	FOLLOWS [EFFECTIVE JULY 1,	2003]: Sec. 2. (a) The board shall
4	adopt rules under IC 4-22-2 and IC	13-14-8 for the establishment and
.5	operation of the program established	d under section 1 of this chapter.
6	(b) Subject to subsections (d) as	nd (e), the rules must may not be
.7	more or less stringent than th	e regulations adopted by the
8	Administrator of the United States I	Environmental Protection Agency
9	under Section 9003 of the federa	l Solid Waste Disposal Act, as
20	amended (42 U.S.C. 6991b, as amer	nded).
21	(c) The rules adopted under s	ubsection (a) must include the
22	following:	
23	(1) Requirements for maintain	ing:
24	(A) a leak detection system	· •
25		stem coupled with tank testing; or
26	(C) a comparable system or	
27		in a manner consistent with the
28	protection of human health and	
29	(2) Requirements for maintain	ing records of any:
30	(A) monitoring;	
31	(B) leak detection system;	
32	(C) inventory control system	n or tank testing; or
33	(D) comparable system.	
34	(3) Requirements for reporting	of:
35	(A) any releases; and	
86	(B) corrective action taken	
37		g or taking corrective action in
88	response to a release.	
39		of underground storage tanks to
10	•	regulated substances into the
11	environment.	
12	(6) Requirements for main	taining evidence of financial



1	responsibility for:
2	(A) taking corrective action; and
3	(B) compensating third parties for bodily injury and property
4	damage caused by sudden and nonsudden accidental releases
5	arising from the operation of an underground storage tank.
6	(7) Standards of performance for new underground storage tanks.
7	(8) Requirements for the following:
8	(A) Providing notice to the department of the existence of
9	operational and nonoperational underground storage tanks, as
10	required under 42 U.S.C. 6991a(a).
11	(B) Providing the information required on the form prescribed
12	under 42 U.S.C. 6991a(b)(2).
13	(C) Providing notice, by any person who sells a tank intended
14	to be used as an underground storage tank, to the purchaser of
15	that tank of the owner's notification requirements established
16	by this article and 42 U.S.C. 6991a(a).
17	(d) A rule adopted under this section may be more stringent
18	than a corresponding federal provision established under federal
19	law if:
20	(1) a designee of the board presents evidence to the
21	environmental quality service council that indicates why the
22	environmental quality service council that indicates why the rule should be more stringent than the corresponding federal
22 23	rule should be more stringent than the corresponding federal provision;
22 23 24	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a
22 23 24 25	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should
22 23 24 25 26	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a
22 23 24 25 26 27	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and
22 23 24 25 26 27 28	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and (3) the general assembly enacts a statute that authorizes the
22 23 24 25 26 27 28 29	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the
22 23 24 25 26 27 28 29 30	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal
22 23 24 25 26 27 28 29 30 31	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law.
22 23 24 25 26 27 28 29 30 31 32	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law. (e) If the environmental quality service council reviews a rule
22 23 24 25 26 27 28 29 30 31 32 33	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law. (e) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a
22 23 24 25 26 27 28 29 30 31 32 33 34	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law. (e) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a corresponding federal provision established under federal law and
22 23 24 25 26 27 28 29 30 31 32 33 34 35	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law. (e) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule should
22 23 24 25 26 27 28 29 30 31 32 33 34 35 36	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law. (e) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule should not be more stringent, the environmental quality service council
22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law. (e) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule should not be more stringent, the environmental quality service council shall make a recommendation to the general assembly that the
22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law. (e) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule should not be more stringent, the environmental quality service council shall make a recommendation to the general assembly that the general assembly should enact a statute to:
22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law. (e) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule should not be more stringent, the environmental quality service council shall make a recommendation to the general assembly that the general assembly should enact a statute to: (1) void the rule; and
22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38	rule should be more stringent than the corresponding federal provision; (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law. (e) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule should not be more stringent, the environmental quality service council shall make a recommendation to the general assembly that the general assembly should enact a statute to:



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federal law.

1 SECTION 24. IC 13-22-12-10 IS REPEALED [EFFECTIVE

2 JANUARY 1, 2005].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1671, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-1.5, AS AMENDED BY P.L.1-2001, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 1.5. "Acute hazardous waste", for purposes of **section 117.5 of this chapter and** IC 13-22-4-3.1, has the meaning set forth in 40 CFR Part 261.

SECTION 2. IC 13-11-2-89 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 89. (a) "Generator", for purposes of IC 13-22-12, means a person that, during the preceding year, generated hazardous waste in quantities greater than:

- (1) one thousand (1,000) kilograms of hazardous waste; or
- (2) one (1) kilogram of acutely toxic waste in any month.
- (b) "Generator", for purposes of IC 13-29-1, means a person who produces or possesses low-level radioactive waste in the course of or incident to manufacturing, power generation, processing, medical diagnosis and treatment, research, or other industrial or commercial activity and who, to the extent required by law, is licensed by the United States Nuclear Regulatory Commission or a party state to produce or possess such waste. The term does not include a person who provides a service by arranging for the collection, transportation, treatment, storage, or disposal of wastes generated outside the region.

SECTION 3. IC 13-11-2-117.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 117.5. "Large quantity generator", for purposes of IC 13-22-4-3.1 and IC 13-22-12-3, means a person, by site, that:

- (1) generates:
 - (A) one thousand (1,000) kilograms or more of hazardous waste:
 - (B) more than one (1) kilogram of acute hazardous waste; or
 - (C) more than one hundred (100) kilograms of spill cleanup material contaminated with acute hazardous waste;

in any one (1) or more calendar months of a calendar year; or

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- (2) accumulates:
 - (A) more than one (1) kilogram of acute hazardous waste; or
 - (B) more than one hundred (100) kilograms of spill cleanup material contaminated with acute hazardous waste;

at any time during the year.

SECTION 7. IC 13-11-2-204.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 204.5. "Small quantity generator"**, for purposes of IC 13-22-4-3.1 and IC 13-22-12-3, means a person, by site, that:

- (1) generates more than one hundred (100) kilograms but less than one thousand (1,000) kilograms of hazardous waste in any one (1) or more calendar months of a calendar year; or
- (2) accumulates more than one thousand (1,000) kilograms of hazardous waste at any time during the year.".

Page 1, line 16, delete "A" and insert "Subject to subsections (c) and (d), a".

Page 2, between lines 1 and 2, begin a new paragraph and insert:

- "(c) A rule or standard adopted by a board may be more stringent than a corresponding federal provision established under federal law if:
 - (1) a designee of the board presents evidence to the environmental quality service council that indicates why the rule or standard should be more stringent than the corresponding federal provision;
 - (2) the environmental quality service council makes a recommendation to the general assembly that the rule or standard should be more stringent than the corresponding federal provision; and
 - (3) the general assembly enacts a statute that authorizes the board to adopt a rule or standard that is more stringent than the corresponding federal provision established under federal law.
- (d) If the environmental quality service council reviews a rule or standard adopted by a board that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule or standard should not be more stringent, the environmental quality service council shall make a recommendation to the general assembly that the general assembly should enact a statute to:
 - (1) void the rule or standard; and







(2) require the board to adopt a rule or standard that is not more stringent than the corresponding federal provision established under federal law.

SECTION 6. IC 13-15-4-11, AS AMENDED BY P.L.184-2002, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) If an applicant is operating pursuant to a continuation of an existing permit pending determination of an application for a new or renewed permit under IC 13-15-3-6, the applicant may proceed under this section after notifying the commissioner in writing of its intent to do so.

(b) If the commissioner does not issue or deny a permit within the time specified under sections 1 through 6 of this chapter, the applicant may proceed under this section. **Except as provided in section 12.1 of this chapter,** after reaching an agreement with the commissioner or after consulting with the commissioner for thirty (30) days and failing to reach an agreement, the applicant may choose to proceed under one (1) of the following alternatives:

(1) The:

- (A) applicant may request and receive a refund of a permit application fee paid by the applicant; and
- (B) commissioner shall do the following:
 - (i) Continue to review the application.
 - (ii) Approve or deny the application as soon as practicable.
 - (iii) Refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(2) The:

- (A) applicant may:
 - (i) request and receive a refund of a permit application fee paid by the applicant; and
 - (ii) submit to the department a draft permit and any required supporting technical justification for the permit; and
- (B) commissioner shall do the following:
 - (i) Review the draft permit.
 - (ii) Approve, with or without revision, or deny the draft permit in accordance with section 16 of this chapter.
 - (iii) Refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(3) The:

(A) applicant may hire an outside consultant to prepare a draft permit and any required supporting technical justification for

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the permit; and

- (B) commissioner shall:
 - (i) review the draft permit; and
 - (ii) approve, with or without revision, or deny the draft permit in accordance with section 16 of this chapter.

SECTION 7. IC 13-15-4-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12.1. An applicant may not receive a refund of a permit application fee if the permit application concerned the renewal of a permit.

SECTION 8. IC 13-15-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 1. The environmental management permit operation fund is established for the purpose of providing money for permitting and directly associated activities of the **following programs of the department:**

- (1) National Pollutant Discharge Elimination System **program** including storm water permits.
- (2) Solid waste and program.
- (3) Hazardous waste programs of the department and the boards. **program.**
- (4) Safe drinking water program.

SECTION 9. IC 13-18-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 2. For industrial permits, other than coal mine permits or stone quarry permits, the annual base fee per facility is:

- (1) one thousand **one hundred** dollars (\$1,000) (\$1,100) for a major permit; and
- (2) four hundred **forty** dollars (\$400) (\$440) for a minor permit; plus the following annual discharge flow fee per facility:

Daily Average Actual

-	C	
Flow in	MGD	Fee
.001 -	.05	\$240 \$264
.051 -	.1	\$360 \$396
.101 -	.2	\$840 \$924
.201 -	.3	\$1,200 \$1,320
.301 -	.5	\$1,680 \$1,848
.501 -	1.0	\$2,060 \$2,266
1.001 -	2.0	\$3,600 \$3,960
2.001 -	5.0	\$5,400 \$5,940
5.001 -	10.0	\$8,400 \$9,240
10.001 -	15.0	\$12,000 \$13,200
15.001 -	30.0	\$16,800 \$18,480

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30.001 - 50.0	\$22,800 \$25,080
50.001 - 100.0	\$28,800 \$31,680
> 100.0	\$34.800 \$38.280

Annual flow fees are reduced by twenty percent (20%) for discharges that are comprised of greater than ninety percent (90%) of non-contact cooling water.

SECTION 10. IC 13-18-20-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 3. Each facility for which a coal mine operator files a notice of intent under the general coal mine permit rules adopted under IC 13-18-18 shall pay an annual fee of five hundred **fifty** dollars (\$500) (\$550) instead of the following individual permit fees. The annual fee must accompany the initial notice of intent and is due each year on the anniversary date of the date when the initial notice of intent was filed.

Outfalls	Fee
1 Outfall	\$500 \$550
2-3 Outfalls	\$750 \$825
4-6 Outfalls	\$1,000 \$1,100
7-10 Outfalls	\$1,500 \$1,650
11-20 Outfalls	\$2,500 \$2,750
21-99 Outfalls	\$3,500 \$3,850

SECTION 11. IC 13-18-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 4. For stone quarry permits, the annual fee is as follows:

Outfalls	Fee
1 Outfall	\$750 \$825
2 Outfalls	\$1,500 \$1,650
3 Outfalls	\$2,000 \$2,200
4 Outfalls	\$2,500 \$2,750

SECTION 12. IC 13-18-20-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 8. For semipublic permits, the annual base fee per facility is:

- (1) seven eight hundred fifty twenty-five dollars (\$750) (\$825) for a major permit; and
- (2) two hundred **twenty** dollars (\$200) (\$220) for a minor permit; plus the following annual discharge flow fee per facility:

Daily Average Design

Flow in MGD	Fee
.00105	\$150 \$165
.0511	\$300 \$330
.1012	\$1,000 \$1,100
.2013	\$2.000 \$2.200

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.301 -	.5	\$2,500 \$2,750
.501 -	1.0	\$3,000 \$3,300
1.001 -	2.0	\$3,500 \$3,850
2.001 -	5.0	\$4,000 \$4,400
5.001 -	10.0	\$5,000 \$5,500
10.001 -	15.0	\$6,500 \$7,150
15.001 -	30.0	\$7,500 \$8,250
30.001 -	50.0	\$10,000 \$11,000
50.001 -	100.0	\$11,000 \$12,100

SECTION 13. IC 13-18-20-9, AS AMENDED BY P.L.184-2002, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 9. (a) Except as provided in subsection (b), for public water system permits, the annual base fee per facility is:

- (1) one thousand **one hundred** dollars (\$1,000) (\$1,100) for a major permit; and
- (2) four hundred **forty** dollars (\$400) (\$440) for a minor permit; plus the following annual discharge flow fee per facility based on projected daily average flow in MGD as set forth in a facility NPDES permit:

Projected Daily Average

, , , , , , , , , , , , , , , , , , ,	
Flow in MGD	Fee
.00105	\$240 \$264
.0511	\$360 \$396
.1012	\$840 \$928
.2013	\$1,200 \$1,320
.3015	\$1,680 \$1,848
.501 - 1.0	\$2,060 \$2,266
1.001 - 2.0	\$3,600 \$3,960
2.001 - 5.0	\$5,400 \$5,940
5.001 - 10.0	\$8,400 \$9,240
10.001 - 15.0	\$12,000 \$13,200
15.001 - 30.0	\$16,800 \$18,480
30.001 - 50.0	\$22,800 \$25,080
50.001 - 100.0	\$28,800 \$31,680
> 100.0	\$34,800 \$38,280

(b) A state or local unit of government required to pay a fee described in subsection (a) may only be charged a fee equal to ninety-one percent (91%) of the amount of the fee described in subsection (a).

SECTION 14. IC 13-18-20-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 10. (a) For storm water permits for construction activity, a fee of one hundred dollars

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o p y (\$100) shall be submitted with a notice of intent (NOI).

- (b) For storm water permits for industrial activity, the annual fee is one hundred dollars (\$100).
- (a) The following storm water permit fees shall be submitted with a notice of intent:

General storm water permits

for construction activity \$200

General storm water permits

for industrial activity \$300

(b) For storm water permits, the annual fees are as follows:

General storm water permits

for construction activity \$200

General storm water permits

for industrial activity \$300

SECTION 15. IC 13-18-20-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: **Sec. 10.5. For NPDES general permits not otherwise listed in this chapter, the annual fee is five hundred dollars (\$500) unless a lower fee is established in rules adopted by the water pollution control board.**

SECTION 16. IC 13-20-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 3. (a) Except as provided in subsection (b), for solid waste permits, the application fees are as follows:

New Permit or Major Modification

New Permit of Major Modification		
	Fee	
Sanitary Landfill	\$31,300 \$34,430	
Construction\		
Demolition Site	\$20,000 \$22,000	
Restricted Waste Site		
Type I	\$31,300 \$34,430	
Type II	\$31,300 \$34,430	
Type III	\$20,000 \$22,000	
Processing Facility		
Transfer Station	\$12,150 \$13,365	
Other	\$12,150 \$13,365	
Incinerator	\$28,650 \$31,515	
Waste Tire Storage		
Registration	\$ 500 \$550	
Waste Tire Processing	\$ 200 \$220	
Waste Tire		
Transportation	\$ 25 \$28	

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Per	rmit Renewal	
Sanitary Landfill	\$ 15,350 \$16,885	
Construction		
Demolition Site	\$ 7,150 \$7,865	
Restricted Waste Site		
Type I	\$ 15,350 \$16,885	
Type II	\$ 15,350 \$16,885	
Type III	\$ 7,150 \$7,865	
Processing Facility		
Transfer Station	\$ 2,200 \$2,420	
Other	\$ 2,200 \$2,420	
Incinerator	\$ 5,900 \$6,490	
Waste Tire Processing	\$ 200 \$220	
Mino	or Modification	
Minor Modification	\$ 2,500 \$2,750	
(b) A state or local unit	of government required to pay a fee	
described in subsection (a)	may only be charged a fee equal to	
ninety-one percent (91%) o	of the amount of the fee described in	
subsection (a).		
SECTION 17. IC 13-20-	-21-4 IS AMENDED TO READ AS	
FOLLOWS [EFFECTIVE JA	NUARY 1, 2005]: Sec. 4. (a) Except as	
provided in subsection (b), f	or solid waste, the annual operation fees	
are as follows:		
	Fee	_
Sanitary Landfill		
> 500 TPD	\$35,000 \$38,500	
250-499 TPD	\$15,000 \$16,500	
100-249 TPD	\$ 7,000 \$7,700	W
<100 TPD	\$ 2,000 \$2,200	
Construction\		
Demolition Site	\$ 1,500 \$1,650	
Restricted Waste Site		
Type I	\$35,000 \$38,500	
Type II	\$25,000 \$27,500	
Type III	\$10,000 \$11,000	
Processing Facility		
TD C C	Φ 2 000 Φ2 200	

\$ 2,000 **\$2,200**

\$ 2,000 **\$2,200**

\$35,000 **\$38,500**

\$15,000 **\$16,500**

\$ 7,000 **\$7,700**

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Transfer Station

Other

>500 TPD

250-499 TPD

100-249 TPD

Incinerator



<100 TPD	\$ 2,000 \$2,200
Infectious Waste	
Incinerator (>7 TPD)	\$ 5,000 \$5,500
Waste Tire Storage	
Registration	\$ 500 \$550
Waste Tire Transportation	
Registration	\$ 25 \$28
Groundwater Compliance	
Sampling (per well)	\$ 250 \$275

(b) A state or local unit of government required to pay a fee described in subsection (a) may only be charged a fee equal to ninety-one percent (91%) of the amount of the fee described in subsection (a).

SECTION 18. IC 13-20-21-6, AS AMENDED BY P.L.218-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 6. (a) For solid waste, the disposal fees are as follows:

	Fee
Solid waste disposed into a	
municipal solid waste landfill per ton	\$ 0.10 \$0.20
Solid waste disposed into a	
nonmunicipal solid waste landfill per ton	\$ 0.10 \$0.20
Solid waste disposed	
into an incinerator per ton	\$ 0.05 \$0.10
Solid waste disposed into a	
construction\demolition waste site per ton	\$ 0.10 \$0.20
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(b) There is no solid waste disposal fee for solid waste disposed into a solid waste landfill permitted to accept restricted waste solely generated by the person to which the permit is issued.".

Page 2, line 9, delete "Rules" and insert "Subject to subsections (c) and (d), rules".

Page 2, between lines 18 and 19, begin a new paragraph and insert:

- "(c) A rule adopted under this section concerning incinerators used as hazardous waste facilities may establish requirements that are more stringent than a corresponding federal provision established under federal law if:
 - (1) a designee of the board presents evidence to the environmental quality service council that indicates why the rule should be more stringent than the corresponding federal provision;
 - (2) the environmental quality service council makes a recommendation to the general assembly that the rule should

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be more stringent than the corresponding federal provision; and

- (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law
- (d) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule should not be more stringent, the environmental quality service council shall make a recommendation to the general assembly that the general assembly should enact a statute to:
 - (1) void the rule; and
 - (2) require the board to adopt a rule that is not more stringent than the corresponding federal provision established under federal law.

SECTION 18. IC 13-22-4-3.1, AS AMENDED BY P.L.1-2001, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 3.1. (a) As used in this section, "acute hazardous waste" has the meaning set forth in IC 13-11-2-1.5.

- (b) A person that:
 - (1) in any one (1) or more calendar months of a calendar year generates:
 - (A) more than one hundred (100) kilograms but less than one thousand (1,000) kilograms of hazardous waste;
 - (B) less than one (1) kilogram of acute hazardous waste; or
 - (C) less than one hundred (100) kilograms of material from the eleanup spillage of acute hazardous waste; or
 - (2) accumulates at least one thousand (1,000) kilograms of hazardous waste or less than one (1) kilogram of acute hazardous waste;

small quantity generator shall, before March 1 of each year, submit to the department on forms provided by the department a report, containing no more than a compilation of information from the Uniform Hazardous Waste Manifest form described in section 1(a) of this chapter, that summarizes the person's hazardous waste shipments during the previous calendar year.

- (c) A: person that:
 - (1) in any one (1) large quantity generator; or more calendar months of a calendar year generates:
 - (A) more than one thousand (1,000) kilograms of hazardous

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waste;

- (B) at least one (1) kilogram of acute hazardous waste; or
- (C) at least one hundred (100) kilograms of material from the eleanup spillage of acute hazardous waste;
- (2) accumulates at least six thousand (6,000) kilograms of hazardous waste or at least one (1) kilogram of acute hazardous waste; or
- (3) (2) person that is a treatment, storage, or disposal facility; shall, before March 1 of each year, submit to the department either the biennial report required by the United States Environmental Protection Agency concerning the person's waste activities during the previous calendar year, or an annual report on forms provided by the department, containing no more than a compilation of information from the Uniform Hazardous Waste Manifest form described in section 1(a) of this chapter, that summarizes the person's hazardous waste shipments during the previous calendar year.

SECTION 19. IC 13-22-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 2. For hazardous waste, the application fees are as follows:

New Permit Application

	Fee	
Land Disposal	\$40,600 \$44,660	
Incinerator (per unit)	\$21,700 \$23,870	
Storage	\$23,800 \$26,180	
Treatment	\$23,800 \$26,180	
Permit Renewal or		

Class 3 Modification \$34,000

 Land Disposal
 \$34,000 \$37,400

 Incinerator
 \$21,700 \$23,870

 Storage
 \$17,200 \$18,920

 Treatment
 \$17,200 \$18,920

Class 2 Modification

Class 2 Modification \$ 2,250 \$2,475

SECTION 20. IC 13-22-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 3. For hazardous waste, the annual operation fees are as follows:

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Land Disposal	\$37,500 \$41,250
Incinerator (per unit)	\$10,000 \$11,000
Storage	\$ 2,500 \$2,750
Treatment	\$10,000 \$11,000
Large Quantity Generator	\$ 1,565 \$1,722

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Small Quantity Generator

\$300

Postclosure Activity

\$ 1.500 \$1.650

Groundwater Compliance

Sampling at active facilities (per well)

\$ 1,000 **\$1,100**".

Page 2, line 23, delete "The" and insert "Subject to subsections (d) and (e), the".

Page 3, after line 22, begin a new paragraph and insert:

- "(d) A rule adopted under this section may be more stringent than a corresponding federal provision established under federal law if:
 - (1) a designee of the board presents evidence to the environmental quality service council that indicates why the rule should be more stringent than the corresponding federal provision;
 - (2) the environmental quality service council makes a recommendation to the general assembly that the rule should be more stringent than the corresponding federal provision; and
 - (3) the general assembly enacts a statute that authorizes the board to adopt a rule that is more stringent than the corresponding federal provision established under federal law.
- (e) If the environmental quality service council reviews a rule adopted under this section that is more stringent than a corresponding federal provision established under federal law and the environmental quality service council believes the rule should not be more stringent, the environmental quality service council shall make a recommendation to the general assembly that the general assembly should enact a statute to:
 - (1) void the rule; and
 - (2) require the board to adopt a rule that is not more stringent than the corresponding federal provision established under federal law.

SECTION 22. IC 13-22-12-10 IS REPEALED [EFFECTIVE JANUARY 1, 2005].".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1671 as introduced.)

BOTTORFF, Chair

Committee Vote: yeas 8, nays 4.

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